

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION**

**JACK MILLER, individually, and  
o/b/o his minor son, D.M.,  
Plaintiff**

**v.**

**MICHAEL WEBBER,  
TREY MAYBERRY, and  
RAYMOND FRANCIS,  
Defendants.**

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**CIVIL ACTION NO. 6:20-cv-00131-H**

**DEFENDANTS' UNOPPOSED SECOND MOTION TO EXTEND  
QUALIFIED IMMUNITY MOTION FOR SUMMARY JUDGMENT DEADLINE**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants, Michael Webber, Trey Mayberry, and Raymond Francis, ask that the deadline for filing their motion for summary judgment based on immunity be extended for the following reasons:

1. The Court entered its Scheduling Order for Consideration of the Defense of Qualified Immunity on April 16, 2021 which set the motion for summary judgment based on immunity deadline on June 30, 2021. Part of the reason for the deadline of June 30, 2021 was to give Plaintiff time to complete medical treatment, obtain the medical and engage in early settlement negotiations and mediation.
2. On June 23, 2021 Defendants filed their Unopposed Motion to Extend Qualified Immunity Motion for Summary Judgment Deadline. On June 28, 2021 the Court granted the motion and extended the deadline to July 29, 2021.

3. Defendants were today served with the medical records of Plaintiff and are presently waiting for a demand from Plaintiff to begin settlement discussions.
4. To avoid incurring legal expenses and unnecessary attorney's fees, and to give settlement of this case its best chance, Defendants request that the current deadline for filing their Motion for Summary Judgment based on qualified immunity be extended another 30 days to August 30, 2021 for settlement discussions.

WHEREFORE, Defendants request that the motion for summary judgment based on qualified immunity deadline be extended to August 30, 2021 and for such other relief to which they may show themselves justly entitled.

Respectfully submitted,  
JACKSON WALKER L.L.P.  
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By: /s/ Jon Mark Hogg  
Jon Mark Hogg  
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ATTORNEYS FOR DEFENDANTS

### **CERTIFICATE OF CONFERENCE**

I hereby certify that I have conferred with James Roberts, counsel for Plaintiffs, regarding the merits of the foregoing Motion and he does not oppose the relief requested.

Certified this the 21st day of July, 2021.

/s/ Jon Mark Hogg  
Jon Mark Hogg

**CERTIFICATE OF SERVICE**

This is to certify that on the 21st day of July, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notice of such filing to all attorneys of record on file.

/s/ Jon Mark Hogg

Jon Mark Hogg